

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT JACKSON**

LOUISE GRAVES by and through)
CHUCK GRAVES,)
Plaintiff,)
v.) No. 1:22-CV-02296-STA-JAY
Anderson) Chief District Judge S. Thomas
AUTO-OWNERS INSURANCE) Magistrate Judge Jon A. York
COMPANY,)
Defendant.)

**DECLARATION OF UMPIRE OF RECORD
MARY JO O'NEAL**

1. I am over the age of 18 and of sound mind and have the ability to make this Declaration.
 2. I was the Umpire of Record for the appraisal panel that set the amount of loss in the above captioned appraisal matter, and hereby state the following:
 3. My decision in this appraisal matter was based solely on the differences submitted to me by the appraisers to legally and properly repair the covered damages.
 4. There were no specific coverage issues or disputes from either party that the panel was made aware of prior to, or during, our deliberations, nor was I aware of any until Plaintiffs attorney notified me.
 5. The panel acted only within the authority granted to it by the appraisal provision in determining the amount of the loss shown in the award form.

6. The COVID-19 protocols submitted to me for decision by the appraisers were removed by agreement of all panel members.

7. I allowed the OSHA authorized safety protocol costs (See Ex. "2") as they were properly presented, the cost to certify was incurred for the project (See Ex."4"), they were certified to the specific property (See Ex. "1"), and are federally mandated for all commercial projects and are not subject to exclusions by any authority or contract.

8. I intend for this declaration to clear up any ambiguity about the F9 notation context in the award estimate appearing on page 15 at line item number .182 under the section labeled: "**OSHA-1 Life Safety**" (See Ex. "3"), which states "**See Protocol and Manual Provided. Includes sufficient Covid-19 protocols**". This "*F9 notation*" was specifically, and solely, meant to notify the two appraisers of the reason for me striking the COVID-19 protocols presented by the insured's appraiser as they were (are) no longer applicable because the minimum OSHA standards provide sufficient protection for workers. (See Ex. "1")

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This 12th day of April, 2023.



Mary Jo O'Neal
Umpire of Record
2226 General Raines Dr.
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E: _____